S/N NEW FILING PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

EMSTAD ET AL.

Examiner:

UNKNOWN

Serial No.:

NEW FILING

Group Art Unit:

UNKNOWN

Filed:

HEREWITH

Docket No.:

6683.75USU1

Title:

SPINAL ACCESS INSTRUMENT

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV322887047US

Date of Deposit: December 1, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

(612) 332-5300

Date: Dec. / Zoro3

Karen A. Fitzsimmons

Reg. No. 50,470 KAF:PLSklg

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PATENT TRADEMARK OFFICE

Date Mailed: December 1, 2003 Sheet 1 of 1

FORM 1449* INFORMATION DISCLOSURE STATEMENT	Docket Number: 6683.75USU1	Application Number: NEW FILING		
IN AN APPLICATION	Applicant: EMSTAD ET AL.			
(Use several sheets if necessary)	Filing Date: HEREWITH	Group Art Unit: UNKNOWN		

			U.	S. PATENT DOCUMEN	ITS			
EXAMINER INITIAL	DOCUM	ENT NO.	DATE	NAME	CLASS	SUBCLASS		G DATE OPRIATE
	5,357,983		10/25/1994	Mathews				
	5,792,044		08/11/1998	Foley et al.				
	5,964,761		10/12/1999	Kambin			"	
	6,175,758 B	1	01/16/2001	Kambin				•
<u>.</u>	6,596,008 B	1	07/22/2003	Kambin				
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			FORE	L EIGN PATENT DOCUM	IENTS			
	DOCUMENT NO.		DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
· · ·			YES				NO	
	<u> </u>	OTHER I	OCUMENTS	(Including Author, Title, I	Date, Pertinent Pa	iges, Etc.)	· <u> </u>	
	Exhibit A	"Spinal Co Media Rela http://www	oncepts Launche	es Access TM Dilation Port vications, s.com/communications/acc	for Minimally In	vasive Spinal Surge		-
	Exhibit B	"Access TM http://wwv	Dilation Port," v.spinalconcepts	Spinal Concepts - Access [†] .com/products/adp.html, 2	TM Dilation Port, 2 2 pages (Date: pu	Products, blicly known prior	to March 13	, 2003).
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PATENT TRADEMARK OFFICE	DATE CONSIDERED	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.